UNITED STATES PATENT AND TRADEMARK OFFICE

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DIRECTOR'S OFFICE
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In re application of
SEDKY, KHALED, et al.
Application Serial No. 10/779,430
Filed: February 13, 2004
For: **USE OF A SCALABLE PRINT
SPOOLER FOR HANDLING PRINT
REQUESTS**

DECISION
ON PETITION

This is a response to the petition under 37 CFR 1.59(b), filed January 23, 2008, to expunge information from the above identified application.
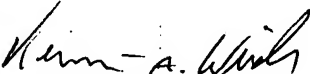
The decision on the petition <u>will be held in abeyance until prosecution on the merits is closed, at which time the petition will be decided.</u>

Petitioner requests that the information submitted in an exhibit January 23, 2008, be expunged from the record. Petitioner states that either (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public, and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17(h) has been paid.

The decision on the petition is held in abeyance because prosecution on the merits is not closed. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material", with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be held in abeyance at this time.

During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material". If the information is not considered by the examiner to be material, the information will be returned to applicant.

The document(s) in question will not be available to the public during prosecution

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